

Applicant: George Braoudakis
Application No.: 10/511,177

Amendments to Drawings:

The attached sheets of drawings includes changes to (all) Figs. 1A – 1SB. These sheets, which include Figs. 1A – 1SB, replace the original sheets including Figs. 1A – 1SB. Figs. 1 and 12 were corrected to recite Fig. 1A and 12A respectively. The remaining Figures were relabeled to improve visibility.

REMARKS/ARGUMENTS

After the foregoing Amendment, Claims 1; 4 – 11 and 13 – 32 are currently pending in this application. Claims 2 – 3 and 12 are canceled without prejudice. Claims 14 – 22 have been withdrawn. Claims 1, 4 – 8, 10 – 11, 13, 23 – 29, and 31 - 32 have been amended to more distinctly claim subject matter which the Applicant regards as the invention. In the drawings, Figures 1 and 12 have been correctly labeled as Fig. 1A and 12A respectively. Applicant submits that no new matter has been introduced into the application by these amendments.

Claim Rejections - 35 USC § 102

Claim 12 was rejected under § 102 as anticipated by U.S. Patent No. 5,725,146 to Luberto. In the spirit of cooperation and in the interest to expedite prosecution, Applicant has cancelled claim 12 rendering the rejection under § 102 moot.

Claim Rejections - 35 USC § 103

Claims 1, 4 – 10, 13 and 23 – 32 were rejected in the Action as obvious over Luberto in view of U.S. Patent No. 6,027,018 to Yocum. Claims 11 and 32 were rejected in the Action as obvious over Luberto in view of Yocum as applied to claims

1 and 23 above, and further in view of U.S. Patent No. 6,153,280 to Uffmann. Applicant respectfully traverses the rejections.

The invention as currently claimed in independent claim 1 is a container including a main panel having a plurality of substantially straight edges about its periphery, each edge extending angularly from each of two adjoining edges. The container also includes a plurality of side walls depending from at least half of the edges of the main panel. The edges have side walls or remaining edges, said side walls enclosing a space. One or more of the side walls have an outer wall panel and an inner wall panel. The outer wall panel extends from a proximal fold or score line along a remaining edge and the inner wall panel extends from a distal fold or score line remote from the proximal fold or score line and along an opposed edge of said outer wall panel. The combination of panels forms a roll-over wall. One or more of the roll-over walls further include at least one removable portion operatively removable from the outer wall panel to leave a remaining inner wall portion such that the enclosing and/or strength properties of the container remain substantially unaffected after the removal of any one or more of the removable portions.

The invention as currently claimed in independent claim 13 is a blank for a carton including two main panels. Each main panel is substantially the same shape and has a plurality of substantially straight edges or fold or score lines about its periphery. Each edge, fold or score line extends angularly to each of two adjoining

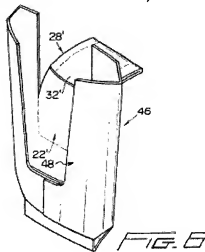
edges or fold or score lines. The main panels are joined to one another by a joining panel having substantially parallel edges each of which constitutes a hinge line in common with one of the fold or score lines of each main panel. The blank also includes a plurality of side panel assemblies that extend from the remaining fold or score lines about the main panels such that at least half of the periphery of both main panels is constituted by a fold or score line from which the side panels extend. At least one of the side panel assemblies includes an outer wall panel and an inner wall panel, the outer wall panel extends from a proximal fold or score line in common with the fold or score line at the periphery of the adjoining main panel and the inner wall panel extends from a distal fold or score line remote from the proximal fold or score line. At least one of the side panel assemblies further includes at least one line of weakness circumscribing at least one removable portion from a remaining panel portion. The remaining panel portion is sufficient to enclose and/or support the container when assembled from the blank, and is substantially unaffected after the removal of any one or more removable portions.

The invention as currently claimed in independent claim 23 is a container including two main panels. Each panel has substantially the same shape and a plurality of substantially straight edges about its periphery. Each edge extends angularly from each of two adjoining edges. The main panels are joined to one another by a joining panel that has substantially parallel edges each of which

constitutes a hinge line along one of the edges of each main panel. The container also includes a plurality of side walls that depend from at least half of the edges of the main panels other than those having a common edge with the hinge line. The edges have side walls or remaining edges. The side walls and the joining panel enclose a space between the main panels when the main panels are pivoted towards one another to define the enclosed space. At least one of the side walls includes an outer wall panel and an inner wall panel, the outer wall panel extends from a proximal fold or score line along a remaining edge and the inner wall panel extends from a distal fold or score line remote from the proximal fold or score line and along an opposed edge of the outer wall panel, the combination of panels form a roll-over wall. At least one of the roll-over walls further includes at least one removable portion operatively removable from to leave a remaining wall portion such that the enclosing and/or strength properties of the container remain substantially unaffected after the removal of one or more of the removable portions from the roll-over walls.

Luberto discloses a pizza box having a trapezoidal-shaped cover with a lift flap 103, a rear trapezoidal section 105 and two triangular shaped sides 107, 109. The cover has a slight peak to prevent the center from collapsing onto the pizza contained in the box when the boxes are stacked.

Yocum, discloses a French fry carton that has a coupon formed within one of its walls. As shown in Fig. 6 of Yocum, reproduced below, the removal of the coupon also removes a considerable section of the container.



The proposed combination fails to show every element of what is currently claimed, namely a container having at least one removable portion operatively removable from the outer wall panel **to leave a remaining inner wall portion** such that one of the enclosing or strength properties of the container remain substantially unaffected after the removal of any one or more of said removable portions. The carton of Yocum must be emptied prior to removing the coupon. If the carton of Yocum were to be filled with French fries when the coupon was removed (taking a sizeable portion of the front wall with it), the fries would fall through the newly created opening. Furthermore, if the coupon is removed before filling, the carton is rendered unusable. This limits the use of the carton to specific

promotional periods since the coupons cannot be removed from the cartons. This is in contrast to the currently claimed invention since the removable portions can be removed without compromising the structural integrity of the carton.

Consequently, without any prior knowledge of the invention, there would be no motivation for a person skilled in the art to combine the teachings of Luberto and Yocum. Furthermore the proposed combination fails to teach the invention as currently claimed.

Claims 4 – 11 and 24 – 32 are dependent upon claims 1 and 23 respectively, which the Applicant believes are allowable over the cited prior art of record for at least the same reasons provided above.

Based on the arguments presented above, withdrawal of the § 103 rejection of claims 1, 4 – 11, 13 and 23 – 32 is respectfully requested.

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Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1, 4 – 11, 13 and 23 – 32, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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Enclosures (12 Sheets Drawing Replacements)